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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/523,697	11/07/2005	Zhaohui Lin	3249-102	8546
6449 7590 11/20/2008 ROTHWELL, FIGG, ERNST & MANBECK, P.C. 1425 K STREET, N.W. SUITE 800 WASHINGTON, DC 20005				
EXAMINER L.Y. NGHI H				
ART UNIT 2617		PAPER NUMBER		
NOTIFICATION DATE 11/20/2008		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTO-PAT-Email@rfem.com

Office Action Summary

Application No.

10/523,697

Applicant(s)

LIN ET AL.

Examiner

Nghi H. Ly

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08/21/2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 16-19 is/are rejected.
- 7) ☒ Claim(s) 4-15 and 20-24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
3. Claim 1-3 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wright et al (US 6,078,959) in view of Choi et al (US 6,963,540).

Regarding claims 1 and 16, Wright teaches a call access control method (see Title and Abstract), comprising the following steps: (1) counting the number of accessed subscribers in all current communication time slots of the home base station for an access request (see column 1, line 22 to column 2, line 17, column 6, lines 44-54 and column 12, lines 3-32, and see column 4, lines 43-59 and column 7, lines 12-25, where

Wright teaches determining the number and time slots), to determine channel resource occupations in different time slots (see column 1, line 22 to column 2, line 17, column 11, lines 29-42 and column 12, lines 18-32), (2) comparing the channel resource occupations in the different time slots (see column 2, lines 20-28, column 8 lines 20-55, and see column 5 lines 65 to column 6, line 4, and column 7, lines 55-61, where Wright teaches allocated the resources or time slots).

Wright does not specifically disclose allocating idle resource units in the time slots having available channel resources and the minimum number of accessed subscribers to the subscriber sending the access request.

Choi teaches allocating idle resource units in the time slots having available channel resources and the minimum number of accessed subscribers to the subscriber sending the access request (see Abstract and column 73, lines 49-57).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Choi into the system of Wright in order to provide an apparatus and method for transmitting a message over a common channel in a cdma communication system (see Choi, column 6, lines 31-33).

Regarding claims 2 and 17, Wright teaches the access request in step (1) refers to a access call sent from a new mobile subscriber to the home base station (see column Abstract, fig.1 and column 3, line 13 to column 4, line 42).

Regarding claims 3 and 18, Wright teaches the access request in step (1) refers to a switching call sent from a mobile subscriber to adjacent cells (see column Abstract, fig.1 and column 3, line 13 to column 4, line 42).

4. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wright et al (US 6,078,959) in view of Choi et al (US 6,963,540) and further in view of Soumiya et al (US 5,818,818).

Regarding claim 19, the combination of Wright and Choi teaches claim 16. The combination of Wright and Choi does not specifically disclose arranging corresponding counter for different time slot respectively, so that the number of the counters equals to the maximum number of time slots for communication that can be supported by the base station, and counting accessed subscribers in the time slots, and increasing the corresponding counter by 1 if the current resource unit is occupied.

Soumiya teaches arranging corresponding counter for different time slot respectively, so that the number of the counters equals to the maximum number of time slots for communication that can be supported by the base station, and counting accessed subscribers in the time slots, and increasing the corresponding counter by 1 if the current resource unit is occupied (see Abstract, column 10, lines 24-31 and column 10, lines 43-47).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Soumiya into the system of Wright and Choi in order to increase the efficiency of use of exchange equipment and transmission paths while satisfying user service quality requirements (see Soumiya, column 2, lines 28-31).

Allowable Subject Matter

5. Claims 4-15 and 20-24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 4-15 and 20-24 are objected for the reason as stated in the previous Office action (page 5, dated 01/14/08).

Response to Arguments

6. Applicant's arguments with respect to claims 1-3 and 16-19 have been considered but are moot in view of the new ground(s) of rejection.

On page 8 of applicant's remarks, applicant argues that "As stated in the Description, the present application relates particularly to a call access control method during call initiation or cell switching **in a TDD CDMA mobile communication system** (see paragraph 2 of the Description)".

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., *a call access control method during call initiation or cell switching in a TDD CDMA mobile communication system*) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi H. Ly whose telephone number is (571)272-7911. The examiner can normally be reached on 9:30am-8:00pm Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost can be reached on (571) 272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nghi H. Ly

/Nghi H. Ly/
Primary Examiner, Art Unit 2617